

REMARKS

Applicants cancelled claims 82-91, amended claims 1 and 78, and added claims 92 and 93. Claims 1, 71-76, 78-80, 92 and 93 are pending.

Applicants appreciate the courtesy extended by Examiners Whitesell and Glick in conducting a telephone interview in this application with Applicants' undersigned representative and Ka-Lo Yeh on March 30, 2011. During the interview, the claims, WO 03/032329 ("Yakshin"), and potential claim amendments were discussed. No agreement was reached.

The Examiner rejected claims 1, 71-76 and 78-80 under 35 U.S.C. §102(e) as being anticipated Yakshin. However, Yakshin does not disclose or render obvious measuring a photoelectron current curve and a reflectance curve are measured at a plurality of different locations on the free interface in order to achieve spatial resolution, in the manner required by claims 1, 71-76 and 78-80. Rather, Yakshin is interested in determining an optimal thickness for his carbon cap level. *See*, Yakshin, p. 23, fifth paragraph. The various layer structures present as many distinct interfaces as there are structures with different carbon layer thickness, as shown in Figs. 17a-21a. *See, id.*, Figs. 17a-21a. Thus, for at least these reasons, Applicants request for reconsideration and withdrawal of the rejection of claims 1, 71-76 and 78-80.

Please apply any charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: March 31, 2011

/Sean P. Daley/

Sean P. Daley
Reg. No. 40,978

Customer Number 26161
Fish & Richardson P.C.
Telephone: (617) 542-5070
Facsimile: (877) 769-7945